



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

April 9, 2013  
1304-VS-03  
Exhibit 1

**Petition Number:** 1304-VS-03

**Subject Site Address:** 14933 US 31 North

**Petitioner:** Burger King

**Request:** The petitioner is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance to increase sign area allotment from 84 square feet to 115 square feet in the Special Business – Planned Development (SB-PD) District (WC 16.08.010 I.8 Outlot Signage).

**Current Zoning:** Special Business District/Planned Development (SB-PD)

**Current Land Use:** Commercial

**Approximate Acreage:** .95 acres

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application

**Staff Reviewer:** Sarah L. Reed, AICP

---

**Petition History**

This petition will receive a public hearing at the April 9, 2013 Board of Zoning Appeals meeting.

---

**Property Location and Description**

The subject property is approximately one (.95) acre in size and is located at 14933 US 31 North (the "Property"). The Property is zoned Special Business District/Planned Development (SB-PD) and is surrounded by SB-PD zoning to the north, south, and east. The Property is adjacent to US 31 on the west and the property across US 31 is zoned General Business (GB).

The petitioner would like to increase the sign area allotment to 115 square feet to accommodate updated signage that coincides with the commercial remodel of the existing Burger King. Presently, the sign area allotment is one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right of way. The petitioner would be permitted eighty-four (84) square feet.



With the US 31 Major Moves Project under construction, an increase in sign area allotment will likely increase visibility of the Burger King. All other zoning requirements would be met. The proposed signage is part of an overall remodel for the front façade of the building and is compliant with all other sign standards.

---

### **Procedural**

A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that the submitted proposal would be would be injurious to the public health, safety, morals, and general welfare of the community. The existing building has signage on all four (4) sides of the building. The proposed signage would update Burger King's signage to coordinate with the building remodel.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The neighboring properties within Village Park Plaza are also commercial buildings with wall signage.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

**Finding:** The US Highway 31 Major Moves project, adjacent to the Property, is under construction. The US Highway 31 improvements will allow for higher traffic volumes, likely travelling at higher speeds. Arguably, increasing the sign area allotment should help Burger King's presence along the US Highway 31 corridor and coincide with the building remodel.

### **Recommendations**

If the Board finds that the use and value of adjacent property will not be affected in a substantially adverse manner, then approve 1303-VS-03 based on the findings of this report.